

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

RECEIVED

KYLE BENGSTON,

PLAINTIFF,

v.

**DAVID BAZEMORE, O.D. AND WAL-
MART STORES, INC.**

DEFENDANTS.

)
)
)
)
)
)
)
)
)
)
)
)

2006 JUL 26 P 3:05

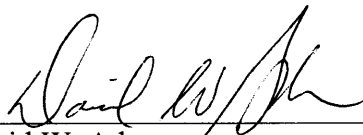
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

3:06-cv-00569-SRW

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW Plaintiff Kyle Bengston, pursuant to rule 15(a) of the Federal Rules of Civil Procedure and 15.1 of the local rules of this Court and moves this Honorable Court for leave to amend the original complaint filed in this matter. The only purposes for the amendment are to correct the first name of Defendant "Bazemore," erroneously identified as "John Bazemore" in the original complaint and to add Wal-Mart Stores, Inc. as a party Defendant. Upon information and belief, the correct name of Defendant is David Bazemore. Furthermore, Plaintiff is adding Wal-Mart Stores, Inc. as a party Defendant in this case because Defendant Bazemore worked in its eye care vision center at all times relevant to the allegations in the complaint. Neither Defendant Bazemore nor Wal-Mart Stores, Inc. has been served in this case, therefore; neither party will be prejudiced by this amendment. Plaintiff requests that this case be re-styled as above indicated to reflect the proper parties now before the Court. Plaintiff's proposed amended complaint is filed simultaneously with this motion.

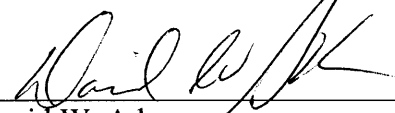
Respectfully submitted this the 25 day of July, 2006.



David W. Adams
Attorney for Plaintiff
AL BAR ID: ASB-4582-S46D
The Newman Law Firm
Park Plaza—Suite 150
178 South Main Street
Alpharetta, Georgia 30004
678-205-8000

CERTIFICATE OF SERVICE

The undersigned certifies that the forgoing has been served on all interested parties via U.S. mail on this the 25 day of July, 2006 .



David W. Adams
Attorney for Plaintiff

Christopher Shepherd
P.O. Box 36988
Birmingham, AL 35236-6988